



February 12, 2021

Patrick McDonnell, Secretary
Pennsylvania Department of Environmental Protection
Rachel Carson State Office Building
P.O. Box 2063
Harrisburg, PA 17105-2063
Submitted electronically ecomment@pa.gov

Re: 2020 Draft Stream Evaluation Report for Beaver Creek, Delaware County

Dear Secretary McDonnell,

The Delaware Riverkeeper Network (DRN), on behalf of our over 25,000 members, submits this comment in response to the Draft Stream Evaluation Report for Beaver Creek dated November 14, 2020. First, we would like to thank the Pennsylvania Department of Environmental Protection (DEP) for granting an extended comment period that DRN requested in December 2020 - especially in light of the petitioner for the Beaver Creek upgrade not receiving notice until well into the original 30-day comment period. Since that time the Beaver Creek Conservancy has had time to provide more technical expertise with help from Schmid & Company in response to DEP's draft report that DRN urges the DEP to consider before finalizing its draft report.

In the DEP draft report, the Department recommends that UNT 00009 be redesignated to High Quality – Warm Water Fishes, Migratory Fishes (HQ-WWF, MF) based on a Biological Condition Score (BCS) of 88%, which exceeds the 83% requirement for HQ designation. These results were included in the 2014 Beaver Valley Conservancy petition. However, DRN believes that there is additional information excluded from the draft stream evaluation report that qualifies UNT 00009 for Exceptional Value (EV) status.

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Specifically, DRN believes that the entire length of UNT 00009 satisfies the EV requirement of §93.4b(b)(1)(ii), which states:

The water is located in a designated State park natural area or State forest natural area, National natural landmark, Federal or State wild river, Federal wilderness area or National recreational area.

The draft stream evaluation report depicts First State National Historical Park (FSNHP) at 1,100 acres, approximately 2/3 of which is in Delaware and approximately 1/3 of which is in Pennsylvania. However, an approximately 254-acre parcel of land abutting the northeast edge of FSNHP was acquired by The Conservation Fund and donated to the National Park Service. This parcel significantly extends the footprint of FSNHP to approximately half in Delaware and half in Pennsylvania, including 71% of UNT 00009. In fact, the entire Beaver Creek Watershed is 53% forested and 18% agricultural and drains into FSNHP. The land surrounding UNT 00009 in particular is mostly undeveloped or agricultural with less than 1% impervious surface, including the 30-acre Penns Woods Winery. Finally, that draft stream evaluation report does not depict the uppermost spring-fed segment of UNT 00009 to Beaver Creek, the bed-and-banks of which extend a short distance to the southeast of Beaver Valley Road. Accordingly, the total length of UNT 00009 to Beaver Creek is 2,932 linear feet (0.56 mile), not 0.4 mile as stated in the draft report. DRN believes that the entire length of UNT 00009 (0.56 mile) should be redesignated from WWF, MF to EV based on the newly acquired land that extends the footprint of FSNHP.

DRN raised points in prior comment dating back to the original Beaver Valley Conservancy (BCC) petition in 2014/2015 we attach here again for consideration. These points, especially now with the COVID pandemic and with development threats in a region with many constituents and crowded spaces and lack of public recreation areas are only more critical for the DEP to consider as part of its softer qualifiers for water quality standards. These softer qualifiers are provided for the DEP to work towards the ability to see and speak towards protection of the common needs and public rights over private interests which clearly is a demonstrated with the work that the Beaver Creek Conservancy has employed the last six plus years. Beaver Creek remains a relatively forested area in a “developed/crowded” watershed that should be given Exceptional Value protection. Some of these points, raised over five years ago, relate to public drinking water supply and other softer qualifiers where the DEP has the ability to use its power to provide stronger protections to foresee current and future recreation and constituent needs by the Commonwealth – the spirit of the Clean Water Act itself and the Pennsylvania Environmental Rights Amendment, Article I, Section 27,

of the Pennsylvania Constitution should always be a goal and obligation for the public trust. Most Pennsylvanian's agree that drinking water and protection of headwaters that provide drinking water is best as well as flocking to nature for recreation and a sense of sacred space is paramount for the areas that still remain intact and functioning in the watershed and Delaware County, PA. The conservation community and sister agencies themselves recognize the need for more public open spaces and places to recreate during times of pandemics and beyond. What DRN has observed from surveys in the last 11 months, whether it be the National Park Service, DCNR or private land trusts like the Natural Lands Trust (NLT) --- our members and sister public agencies have documented --- overcrowding is here for finite and too few open forests and streams and more conservation needs and efforts by the agencies working with the private communities and land trusts in the Delaware Watershed is sorely needed - to ensure long term protection for all - including the water resources that flow through these places – that protection includes HQ and EV designation where it still exists. Private and public land conservation and watershed regulatory goals should go hand in hand with state wide protections.

Thank you for your consideration and we are happy to help more in this endeavor as DRN has strived to do for many years when it comes to special protection for Pennsylvania freshwater streams and Exceptional value wetlands. Please reach out to my Director of Monitoring Faith Zerbe faith@delawariverkeeper.org or 215-369-1888 ext 110 if we can help. We look forward to continuing this protection work together.

Sincerely,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style with a long horizontal line extending to the right.

Maya K. van Rossum
the Delaware Riverkeeper

cc. Diana McCarthy, Beaver Valley Conservancy
Mark Brickner, DEP
Gary Walters, DEP
Cinda Waldbuesser, (Superintendent, FSNHP) Cinda_Waldbuesser@nps.gov
Lauren Imgrund, DCNR